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REMARKS

In the Office Action of April 5, 2004, claims 1, 4, 6 and 7-9 were rejected under 35 USC 102(b) as anticipated buy Inui *et al.* JP 08-089249. An English language abstract of the reference was provided to Applicants. In the rejection the Examiner stated that Inui *et al.* teach the gene for ilvD, cloning the gene into an expression vector for transforming coryneform bacteria, and using the transformed coryneform bacteria for manufacturing valine and isoleucine.

Applicants submit herewith a copy of JP 08-089249 and an English language translation thereof, both of which are listed on the accompanying PTO/SB/08 form.

In the response filed September 7, 2003, claims 1, 4, 6 and 7-9 were canceled without prejudice and replaced with new claims 18, 19, 29-32 and 40. New claims 18, 19 and 29 are directed to a method for the production of L-valine that employs a microorganism transformed with a nucleotide sequence encoding ilvD and a nucleotide sequence encoding ilvBNC. New claims 30-32 and 40 are directed to a method for the production of L-valine that employs a microorganism in which the activity of ilvD is increased as a result of mutation of the endogenous gene encoding ilvD.

Inui et al. discloses a DNA sequence encoding ilvD from Brevibacterium flavum MJ233, transformation of coryneform bacteria with a vector containing the DNA sequence, and using the transformed coryneform bacteria for manufacturing valine and isoleucine. Inui et al. does not disclose the claimed methods for producing L-valine wherein a microorganism transformed with a nucleotide sequence encoding ilvD and a nucleotide sequence encoding ilvBNC is employed (claims 18, 19 and 29), or a microorganism in which the activity of ilvD is increased as a result of mutation of the endogenous gene encoding ilvD (claims 30-32 and 40), and thus does not anticipate the claimed methods. Withdrawal of this section 102(b) rejection is again requested.

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In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is requested and an early Notice of Allowance is earnestly solicited.

Respectfully submitted, CONNOLLY BOVE LODGE & HUTZ LLP

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